

### **EXAMINER'S AMENDMENT**

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on September 10, 2008, Mr. Steffen Soller requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 20-1469 the required fee for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

Claim 1 has been cancelled.

Claim 11 has been cancelled.

In claim 12, line 5 after "wherein said first and second antibodies each comprise a", "different" has been deleted; and then after "label", --that is different and distinguishably distinct from each other as detected by flow cytometry so as to detect-- has been inserted; and then "for detecting" has been deleted.

Accordingly, claim 12, lines 5-6 should recite, --wherein said first and second antibodies each comprise a label that is different and distinguishably distinct from each

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other as detected by flow cytometry so as to detect reactivity of the first and second antibodies with cells using flow cytometry.--

In claim 12, line 6 after "the first and second antibodies with cells", "by" has been deleted and --using-- has been inserted therefor.

In claim 17, line 4 after "wherein said first and second antibodies each comprise a", "different" has been deleted; and then after "label", --that is different and distinguishably distinct from each other as detected by flow cytometry so as to detect-- has been inserted; and then "for detecting" has been deleted.

In claim 17, line 5 after "the first and second antibodies with cells", "by" has been deleted and --using-- has been inserted therefor.

Accordingly, claim 17, lines 4-5 should recite, --wherein said first and second antibodies each comprise a label that is different and distinguishably distinct from each other as detected by flow cytometry so as to detect reactivity of the first and second antibodies with cells using flow cytometry.--

Claim 20 has been cancelled.

Claims 21 and 22 have been rejoined for allowance.

In claim 21, line 5 after "wherein the first and second antibodies each comprise a", "different" has been deleted; and then after "label", --that is different and distinguishably distinct from each other as detected by flow cytometry so as to detect-- has been inserted; and then "for detecting" has been deleted.

In claim 21, line 6 after "the first and second antibodies with cells", "by" has been deleted and --using-- has been inserted therefor.

Accordingly, claim 21, lines 5-6 should recite, --wherein the first and second antibodies each comprise a label that is different and distinguishably distinct from each other as detected by flow cytometry so as to detect reactivity of the first and second antibodies with cells using flow cytometry.--

In claim 22, line 4 after “wherein said first and second antibodies each comprise a”, “different” has been deleted; and then after “label”, --that is different and distinguishably distinct from each other as detected by flow cytometry so as to detect-- has been inserted; and then “for detecting” has been deleted.

In claim 22, line 5 after “the first and second antibodies with cells”, “by” has been deleted --using-- has been inserted therefor.

Accordingly, claim 22, lines 4-5 should recite, --wherein the first and second antibodies each comprise a label that is different and distinguishably distinct from each other as detected by flow cytometry so as to detect reactivity of the first and second antibodies with cells using flow cytometry.--

Claim 23 has been cancelled.

Claim 24 has been cancelled.

3. The Drawings filed March 1, 2004 have been accepted by Applicant.

4. The following is an examiner’s statement of reasons for allowance: The prior art of record does not teach or fairly suggest combining an antibody directed to hemoglobin F, i.e. a fetal erythrocyte cell marker, that is conjugated to a label, with an antibody

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directed to carbonic anhydrase, i.e. an adult erythrocyte marker, that is conjugated to a different label, into a single reagent mixture and kit format for use with flow cytometry, because hemoglobin F is a protein marker used to quantitate hemoglobin present in high concentrations in fetal red cells; and carbonic anhydrase is the second most abundant protein marker in adult red cells, but absent in fetal red cells. Applicant found that using the reagent mixture and kit in a dual marker approach in maternal cell samples allows the clear distinction of fetal red blood cells from possible interfering maternal F cells that have a lower cellular Hgb F content and are positive for the carbonic anhydrase marker, and avoids the possibility of an overestimation of the proportion of true fetal cells in a given Hgb F population.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GAIENE R. GABEL whose telephone number is (571)272-0820. The examiner can normally be reached on Monday to Thursday, 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/GAILENE R. GABEL/  
Primary Examiner, Art Unit 1641

September 10, 2008